

not do that until 12:00. But I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see nobody on either side who wishes to speak. I ask unanimous consent all time be yielded back on the two nominations.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered on the nominations?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, when the first nomination is called up, I will ask for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 206 Ex.]

#### YEAS—87

Akaka	Coons	Landrieu
Alexander	Corker	Lautenberg
Ayotte	Cornyn	Leahy
Barrasso	Enzi	Levin
Baucus	Feinstein	Lieberman
Begich	Franken	Lugar
Bennet	Gillibrand	Manchin
Bingaman	Graham	McCain
Blumenthal	Grassley	McCaskill
Boozman	Hagan	Menendez
Boxer	Harkin	Merkley
Brown (MA)	Hatch	Mikulski
Brown (OH)	Heller	Moran
Burr	Hoeven	Murkowski
Cantwell	Hutchison	Murray
Cardin	Inouye	Nelson (NE)
Carper	Johanns	Nelson (FL)
Casey	Johnson (SD)	Portman
Chambliss	Johnson (WI)	Pryor
Coats	Kerry	Reed
Coburn	Kirk	Reid
Cochran	Klobuchar	Roberts
Collins	Kohl	Rockefeller
Conrad	Kyl	Sanders

Schumer	Stabenow	Udall (NM)
Sessions	Tester	Webb
Shaheen	Thune	Whitehouse
Shelby	Toomey	Wicker
Snowe	Udall (CO)	Wyden

#### NAYS—8

Blunt	Inhofe	Rubio
Crapo	McConnell	Vitter
DeMint	Paul	

#### NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California?

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. LEE), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 207 Ex.]

#### YEAS—89

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Toomey
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Webb
Corker	McCain	Whitehouse
Cornyn	McCaskill	Wicker
Enzi	McConnell	Wyden
Feinstein	Menendez	

#### NAYS—6

Crapo	Inhofe	Shelby
DeMint	Paul	Vitter

#### NOT VOTING—5

Durbin	Lee	Warner
Isakson	Risch	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. DURBIN. Mr. President, on vote Nos. 206 and 207, the confirmations of Sharon Gleason to be United States District Judge for the District of Alaska, and Yvonne Gonzalez Rogers to be United States District Judge for the Northern District of California, I was unavoidably absent. Had I been present, I would have supported the nominations and voted yea on both.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LEAHY. Of course.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Vermont.

#### NOTIFYING THE PRESIDENT

Mr. LEAHY. I thank the Chair. After decades of doing this, I should have remembered, of course, we have to notify the President. I recall one day, when we went into the beginning of the session and swore in new Senators, one was the new Senator from New York, Hillary Clinton. The President of the United States was sitting in the gallery. When we convened as a Senate, the usual notice was said to notify the President that the Senate has convened for that session, at which point several of my colleagues rather honorably pointed out the President: You do not have to notify him. He is sitting right up in the gallery.

#### RECESS

Mr. LEAHY. With that, Mr. President, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

There being no objection, the Senate, at 12:50 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. REID. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE WITHDRAWN

Mr. REID. Mr. President, I have been authorized by the chairman of the Senate Appropriations Committee to withdraw the committee-reported substitute amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 956

Mr. REID. Mr. President, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 956.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendment.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to raise concerns about this amendment that would constitute a significant change to U.S. foreign and banking policies that should be carefully considered by the Senate Committee on Foreign Relations and the Senate Banking Committee.

These provisions have far-reaching foreign policy implications which make their inclusion in this bill unsupportable.

According to the State Department, "Cuba has one of the world's most secretive and non-transparent national banking systems. Cuba has no financial intelligence unit."

Moreover, according to an October 28 statement by the Financial Action Task Force, FATF, "Cuba has not committed to the anti-money laundering and combating the financing of terrorism international standards. Cuba has also not constructively engaged with the Task Force, which has identified Cuba as having strategic deficiencies that pose a risk to the international financial system."

This amendment would allow Cuba—the Banco Nacional de Cuba—to become the only country on the State Department's State-Sponsors of Terrorism list to have direct access to U.S.-based financial institutions.

We do not have similar exceptions for Iran, Syria, and Sudan.

It is important to understand that under Cuban law the Castro regime has

a monopoly on all banking, commerce, and trade.

Therefore, this amendment would allow Cuba's totalitarian regime to directly open corresponding accounts in U.S.-based financial institutions.

It would allow a country that does not subscribe to basic principles of antimoney laundering and counterterrorism to make direct transfers to U.S. financial institutions!

Currently, the Castro regime is required to use a third country European bank to settle its payment for U.S. agricultural products.

If there are clearance problems, the U.S. settlement is entitled to protection under the terms of contract with Euroclear—the European clearance and settlement agency.

If direct bank transfers are allowed, these transactions would be provided protections from operational risk by the Cuban originator of payment.

Also consider the timing of these provisions, these concessions, these gifts to the regime.

As American commercial interests buy their way into the Cuban market, an American—Alan Gross—remains a hostage in Cuban prison.

His crime? Working with U.S. democracy programs to enhance the ability of the island's small Jewish community to communicate with the world.

December 3 will mark 2 years of his unjust imprisonment—2 years that Alan Gross has been a hostage of the Cuban regime.

Recent months have also seen a notable crackdown on peaceful democracy activists, like Las Damas de Blanca—the ladies in White who take to walking in the streets every Sunday to protest the political imprisonment of their husbands, brothers, and sons.

Last month, the founder of Las Damas de Blanca, Laura Pollan Toledo died, not ever knowing a free Cuba.

In March 2003 the regime arrested her husband, Hector Maseda, an independent journalist, along with 74 others in a protest known as the Black Spring. After a 1-day trial, Hector Maseda was sentenced to 20 years in prison.

Laura Pollan Toledo's life, rallying the wives of Cuban dissidents jailed under the iron fist of the repressive Castro regime, gave Cuba hope and she became one of Cuba's most public and most powerful dissidents.

She continued her work, as do those who follow in her footsteps, despite intense harassment, beatings and detentions.

In one case, in the city of Santiago de Cuba, these ladies were stripped to their waist and dragged through the streets.

In another instance they were bitten.

Just last week, on November 8, over a dozen Cuban prodemocracy activists were violently arrested for participating in a peaceful public sit-in demanding the release of all political prisoners and an end to the Castro regime's violence against the opposition.

Among those arrested were Jorge Luis García Pérez "Antúnez," Pastor Alexei Gómez, Rene Quiroga, José Ángel Abreu, Oscar Veranes Martínez, María del Carmen Martínez, Donaida Pérez Paseiro, Xiomara Martín Jiménez, Jorge Vázquez Chaviano, Orlando Alfonso Martínez, Enrique Martínez Marín Mayra Conlledo García and Victor Castillo Ortega.

The Cuban people, like those struggling for democratic reforms in the Middle East, yearn for the opportunity to control their destinies and provide a vibrant future for their children.

The message we should send to such regimes—whether in Cuba or Syria, North Korea or Iran, is that they are pariahs—that their blood money has no place in our economy—that the currency of freedom prevails over the currency of repression.

The United States will continue in its mission to support the Cuban people and to promote democracy until the Castro brothers relinquish power and restore the rights and liberties deserved by the Cuban people and by all people.

But these provisions don't move us or the Cuban people closer to that goal—and must be rejected.

Therefore, along with my colleagues, Senator NELSON and Senator RUBIO of Florida, I raise a rule XVI point of order against the pending substitute amendment.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

The majority leader.

Mr. REID. Without losing my right to the floor, I yield 3 minutes to the Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. I thank the majority leader. I will not take the 3 minutes but just to say my objection is the same as the Senator from New Jersey and my colleague from Florida, Senator RUBIO.

The fact is, the provision in the bill would allow direct payments between U.S. sellers and Cuban buyers of agricultural goods. Under the existing restrictions, U.S. exports to Cuba have fallen dramatically in the last few years, largely due to the regime's shortage of hard currency. In other words, the sanctions are working. Now is not the time to relax U.S. economic sanctions, particularly while we see on this planet Earth in 2011 a repressive regime such as the one in Cuba and the one that continues to hold Alan Gross.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Without losing the floor, I yield 3 minutes to the Senator from Florida, Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I wish to thank the majority leader for that. I will be brief. I think my colleagues touched upon it and the public policy behind this.

Lost in all the things happening around the world that are very important, I think we need to remind ourselves that a few miles off the coast of